

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1-20 and 22-41 are currently pending in this application. Claims 22-41 are withdrawn.

Claim Rejections - 35 USC §103

Claims 1, 2, 5-7, 11, 12 and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter “Martin”) in view of U.S. Patent No. 6,332,008 to Giallorenzi et al. (hereinafter “Giallorenzi”) and U.S. Patent No. 7,272,163 to Hao et al. (hereinafter “Hao”).

Claims 3, 4, 8-10, 13 and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Martin, Giallorenzi and Hao as applied to claims 1 and 11, and further in view of U.S. Publication No. 2007/0076583 to Hadad (hereinafter “Hadad”).

As Applicant has previously argued, Martin does not disclose, suggest or teach a timing controller coupled to the selector that determines a gross timing offset of the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with the common phase.

The Examiner has admitted that Martin does not disclose Applicant’s apparatus and method. The Examiner has then cited Giallorenzi as disclosing

those elements missing in Martin. According to the Examiner Giallorenzi discloses “aligning reverse link signals from other subscriber units.” Applicant is not arguing that Martin does not disclose this element. Applicant discloses determining a gross timing offset of the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units. Giallorenzi does not disclose this element either.

Giallorenzi discloses a system wherein an offset estimate is determined for each user. This offset is not determined to align the reverse link signal of the user with reverse link signals from other users. In fact, it is made clear throughout Giallorenzi that the offset for each user is determined independently. See, for example, Giallorenzi, Abstract. The portion of Giallorenzi cited by the Examiner merely discloses how the each separate offset is determined for each user. Giallorenzi does not disclose, suggest or teach Applicant’s claimed method and apparatus.

Hao does not disclose those elements of Applicant’s method and apparatus that are missing from Giallorenzi and Martin. Accordingly, neither Martin, Giallorenzi, nor Hao discloses, suggests or teaches Applicant’s method and apparatus as claimed in claims 1 and 11.

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Claims 2-10 and 12-20 are dependent upon claims 1 and 11, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 103 rejection of claims 1-20 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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